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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Masami Mizutani

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EXAMINER

JACKSON, JENISE E

ART UNIT

PAPER NUMBER

2131

DATE MAILED: 06/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/918,273

Applicant(s)

MIZUTANI ET AL.

Examiner

Jenise E. Jackson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,4 and 11-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,4 and 11-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 09/18/2006
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3-4, 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schuster et al(6,512,761) in view of Eskicioglu et al(7,039,802).
3. As per claim 1, Schuster discloses a communication system enabling communications between a subscriber and a station(see fig. 2, sheet 2, col. 6, lines 48-57, a delivery device installed on a station side(col. 8, lines 46-58, fig. 2, sheet 2), and delivery device including delivery means for controlling delivery of a media stream(see col. 6, lines 46-52), accounting control means for performing accounting control based on media quality information from a subscriber side(see col. 6, lines 47, 57-63, col. 11, lines 61-67, col. 12, lines 1-17); a terminal device installed on the subscriber side(see col. 6, lines 59-64, see fig. 2, sheet 2), and terminal device including receiving means for controlling reception of the media stream(see fig. 2, sheet 2), connection information management means for managing connection information for specifying the media stream(see col. 9, lines 21-23), and media quality measurement control means for controlling measurement of media quality of the specified media stream(see col. 7, lines 50-59), generating the media quality information including a measurement result and transmitting the generated media quality information to the station(see col. 12, lines 12-67), wherein the accounting control means calculates a charge based on the media quality information

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and pays back a proper amount of money to the subscriber(see col. 5, lines 51-54, col. 11, lines 61-67, col. 12, lines 1-32, col. 15, lines 23-28), in cases of degradation of the media stream, the media quality measurement control means performs media quality measurement control in which a loss of packet is detected by continuity of packets of the specified media stream, the media quality measurement control means performs media quality measurement control in which a loss of packet is detected by continuity of packets of the specified media stream(see col. 9, lines 9-44, col. 10, lines 1-10), the media quality measurement control means uses both a timestamp and a sequence number in the packet to measure the continuity of packets(see col. 9, lines 9-38), the media quality measurement control means detects that packets are missing(see col. 10, lines 1-11), where a and b are the respective sequence number, and t and s are the respective time stamp(see col. 9, lines 9-44, col. 10, lines 1-10). Schuster is silent on authentication means for authenticating a device, which is to receive the media stream. Eskicioglu et al. discloses authentication means for authenticating a device which is to receive the media stream(see col. 3, lines 40-46, col. 4, lines 33-46). It would have been obvious to one of ordinary skill in the art at the time of the invention to include Eskicioglu's authentication means for authenticating a device which is to receive the media stream with Schuster, the motivation is that manufacturers of the set top boxes may desire that the box only be used with selected service providers(see col. 1, lines 65-67 of Eskicioglu). Thus, by authentication of the device, insures that only that device will receive the media stream, and only that media stream can be played with that device.

4. As per claim 3, Schuster discloses wherein the delivery device further includes lost data extracting means for the media quality measurement control, and lost data extracting means

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extracting lost data from a media stream content, with reference to the media quality information, and transmitting lost data information to the terminal device(see col. 10, lines 1-13).

5. As per claim 4, Schuster discloses wherein the terminal device includes quality recovery means for receiving the lost data information and recovering quality of the media stream(see col. 10, lines 1-13).

6. As per claim 11, Schuster discloses wherein if the packet of the sequence number A was lost, the media quality information is constituted by a preceding sequence number(A-1), a succeeding sequence number(A+1), a preceding time stamp which is a time stamp of a packet to be located in just before the packet of the sequence number A, a succeeding time stamp which is a time stamp of a packet to be located in just after the packet of the sequence number A, and a media measurement time(see col. 9, lines 9-38, col. 10, lines 1-13).

7. Same Motivation as above(see claim 1). As per claim 12, recites limitation already addressed(see claim 1 above). Further, claim 12, Schuster discloses media quality measurement control means performs media quality measurement control in which a degradation index of a media unit is calculated, the media quality measurement control means cumulates a degree of influence of propagation of error that occurred on the specified media stream earlier in time than a picture being replayed to calculate the degradation index and transmits the degradation index as the media quality information to the station(see col. 5, lines 30-41, 50-63, col. 13, lines 24-43), and the accounting control means normalizes the degradation index that is cumulative degradation value measured from the beginning through to the end of a program and calculates a charge based on the normalized degradation index and pays back a proper amount of money to

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the subscriber, depending on the state of the degradation of the media stream(see col. 13, lines 24-43, col. 12, lines 12-32).

8. As per claim 13, Schuster discloses wherein the media quality measurement control means calculates the degradation index of each of subunits into which the media unit is divided(see col. 5, lines 9-38, col. 13, lines 24-43).

9. Same Motivation as above. As per claim 14, recites limitations already addressed (see claim 1 above). Further claim 14, Schuster discloses the media quality measurement control means cumulates a degree of influence of propagation of error that occurred on the specified media stream earlier in time than a picture being replayed to calculate the degradation index and transmits the degradation index and a position information of a degraded frame as the media quality information to the station (see col. 9, lines 9-38, col. 10, lines 1-13, col. 13, lines 24-43), the accounting control means causes a degree of importance of the degraded media unit to be reflected in a calculation of a charge with reference to the position information, and the degree of importance is an extent to which a viewer is satisfied with the delivered media(see col. 12, lines 12-32, col. 13, lines 24-43).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jenise E. Jackson whose telephone number is (571) 272-3791. The examiner can normally be reached on M-Th (6:00 a.m. - 3:30 p.m.) alternate Friday's.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



June 22, 2006



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